

REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

Claim 5 has been amended and new claim 13 added. No new matter has been introduced by these amendments. As claims 1-4 and 6-12 were previously cancelled without prejudice, claims 5 and 13 are pending upon entry of the instant amendments.

In the Office Action, Claim 5 has been rejected under 35 U.S.C §112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner considers the full breadth of the term “cardioprotective” to not be supported by the underlying specification. The Examiner also contends that the term “synergistic combination”, recited in the claims, remains unclear in view of the amendments made. The Examiner furthermore recommends deleting the term “synergistic” (page 3, last paragraph of the Office Action). The Examiner also recommends amending the claims to include a dosage taught by the underlying specification (page 4, first paragraph of the Office Action).

Responsive thereto, and without acquiescing to the official allegations, Applicants have amended claim 5 by removing the terms “cardioprotective” and “synergistic”. In place of “cardioprotective”, claim 5 now recites the treatment of atrial arrhythmia as a utility of the claimed pharmaceutical compositions. Support for the foregoing amendment is found, for example, on page 18, lines 8-13 of the application as filed. In place of “synergistic”, claim 5 now includes a weight ratio of 2'-{[2-(4-methoxyphenyl)acetylamino]methyl}biphenyl-2-carboxylic acid (2-pyridin-3-ylethyl)amide (i.e., the Kv1.5 blocker encompassed by Formula 1b) to IK_r

channel blocker (i.e., ibutilide or dofetilide) of 10,000:1 to 1:1. New claim 13 depends from claim 5 and further specifies the weight ratio as 100:1 to 5:1. Support for the claimed weight ratios is provided on page 18, lines 4-6 of the application as filed.

Applicants consider the foregoing amendments to overcome the 35 U.S.C. § 112 written description rejection as well as the Examiner's objection to the term "synergistic combination". Thus, Applicants respectfully request that the 35 U.S.C. § 112 rejection be withdrawn.

The Examiner has also maintained the rejection of claim 5 under 35 U.S.C §103(a) for alleged obviousness in view of U.S. Patent 6,531,495 to Brendel et al. in further view of U.S. Appln. Pub. No. 2002/016018 to Smith et al. The Examiner contends, in particular, that Applicants' arguments hinge on demonstrating a synergistic effect, but that no such effect has been compellingly demonstrated. In a previous Office Action dated December 4, 2008, the Examiner relies on Brendel et al. for allegedly teaching the recited Kv1.5 blocker in combination with an IK_r channel blocker. The Examiner acknowledges that Brendel et al. fails to teach ibutilide as a specific IK_r channel blocker. However, the Examiner relies on Smith et al. for teaching that ibutilide functions as an IK_r channel blocker. Thus, the Examiner considers the combination of Brendel et al. and Smith et al. to teach a combination that includes the recited Kv1.5 blocker and either ibutilide or dofetilide.

However, without conceding to the grounds of rejection set forth by the Examiner, Applicants assert that neither Brendel et al. nor Smith et al. teach or suggest at least the feature of claim 5, as amended, of a Kv1.5 blocker: IK_r channel blocker weight ratio in the range of 10,000:1 to 1:1.

Likewise, new claim 13, which recites a weight ratio of 100:1 to 5:1, is also not taught or suggested by the art of record.

Insofar as the instant claims are not taught or suggested by the art of record, Applicants respectfully request that the foregoing 35 U.S.C. § 103(a) rejection be withdrawn.

For all the reasons provided, Applicants consider the claims, as amended, to be patentable.

Accordingly, allowance of the pending claims is earnestly requested.

If the Examiner has any questions or other concerns regarding this response and amendment, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RLC', is written over the typed name.

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